GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - PR&RD Department - Allegations of irregularities in the execution of C.C Road works under MGNREGS in Vizianagaram District taken up by PRI Division, Parvathipuram, Vizianagaram District – Disciplinary proceedings initiated against Sri K.S. Chalapathi Rao, former Deputy Executive Engineer, PRI Sub-Division, Kurupam - Charged framed - Charges partially proved in regular inquiry - Government communicated disagreement factors duly treating the charges as proved – Imposition of penalty of withholding of one increment without cumulative effect under Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991 besides recovery of an amount of Rs.1,70,106.50 towards loss - Orders – Issued

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 215 **Dated: 15-04-2021**

Read the following:-

1. From the DG, V&E, Vigilance Report No. 12A (C.No. 481/V&E/E2/2014), dt: 30.08.2014.
2. G.O.Rt.No.943, PR&RD (Vig.I) Department, Dt.05.10.2015.
3. From ENC, PR, AP, Lr.No.Vig.I(1)/2779/2014, Dt.28.01.2016, 18.05.2016, 20.07.2016 & 31.10.2017.
4. G.O.Rt.No.960, PR&RD (Vig.I) Department, Dt.27.07.2018.
5. From SE, PR(FAC), Vizianagaram, Lr.Rc.No.52/2010/A1, Dt.28.11.2018.
6. Govt. Memo NO. 16076/Vig. I/2014, PR&RD (Vig. I) Department, Dt: 02.06.2020.
7. From the ENC,PR, Letter No. Vig. I(1)/ 2779/2914, dt: 14.10.2020.

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ORDER:

Based on the recommendations of the Director General, Vigilance & Enforcement Department made in the reference 1st read above, on the allegations of irregularities in the execution of C.C Road works under MGNREGS Programme for the financial year 2012-13 in Vizianagaram District, Government in the reference 2nd read above, have initiated departmental proceedings duly framing following article of charge against Sri K.S. Chalapathi Rao, former Dy. Executive Engineer, PRI Sub-Division, Kurupam, with a direction to submit his written statement of defence :

Charge :
That Sri K.S.Chalapathi Rao, the then Deputy Executive Engineer, PRI, Sub-Division, Kurupam, Vizianagaram District and now PRI, Palasa Srikakulam district has committed certain

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irregularities in the execution of two works i.e. **(1)** Providing internal roads with CC drains in SC, ST Colonies 2012-13 Neelakantapuram (H) of Neelakantapuram (GP) with Est. cost of Rs.13.00 lakhs and **(2)** Providing internal roads with CC drains in SC/ST colonies 2012-13 in Vikramapuram(H) of Vikramapuram (GP) Est.Rs.10.07 lakhs under MGNREGS programme for the financial year 2012-2013 in Parvathipuram division, Vizianagaram district and has check measured and recommended for payment for inferior quality CC road with M30 grade and caused loss to Govt. for an amount of Rs.5,67,061/-.

2. In the reference 3rd read above, the Engineer-in-Chief, PR has submitted the dated acknowledgement of the Charged Officer Sri K.S. Chalapathi Rao, Dy. Executive Engineer (PR). After examination of the matter, Government have decided to conduct regular inquiry into the charges framed against the charged officer Sri K.S. Chalapathi Rao, Dy. Executive Engineer (PR) and also against nine (9) other co-charged officer involved in the case. Accordingly, Government in the reference 4th read above, have appointed the Superintending Engineer, Panchayat Raj, Vizianagaram District as Inquiry Officer for conducting enquiry against all the ten (10) charge officers.

3. In the reference 5th read above, the Inquiry Officer has submitted inquiry report, wherein the inquiry officer, among others, has given findings against the C.O. Sri K.S. Chalapathi Rao, Dy. Executive Engineer (PR), as follows:-

For the work No.1:

The work was sanctioned in Neelakantapuram habitation of Neelakantapuram Gram Panchayat of Kurupam (M). But the field staff has executed this work in five Bits, in which two bits are executed in Neelakantapuram habitation and other three Bits are executed in Dharmavaram, Dandusuragudaa and Sukkadiguda habitations, Against the sanction and MGNREGS guide lines, for which the measurement and check-measurement officers are responsible for the lapse as per the clause 1 of Memo No.082/EGS/DEE (SS)/2011Dt. 1-7- 2011of Commissioner, RD, Hyderabad. Regarding deficiency in sand filling, strength of M30 & CC Bed (M15) the version of the C.O. is acceptable. Recovery proposed by the V&E for Rs. 1,85,226/- but the Executive Engineer, PRI Division, Parvathipuram has not affected the recovery so far. Hence, the charge framed against the individual is partially proved.

Work No.2:-

This work was sanctioned in Vikrampuram habitation of Vikrampuram Grampanchayat of Komarada (M). But the field staff have executed this work in Two bits in which one bit was

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executed in Vikrampuram habitation and other bit was executed in Chandrampeta habitation, of Vikrampuram (GP) against the sanction and MGNREGS Guidelines, for which the measurement and check measurement officers are responsible, as per the clause 1 of Memo No. 082/EGS/DEE(SS)/2011 Dt 01-07-2011 of the Commissioner, RD Hyderabad. The version of the C.O. in connection with deficiencies noticed i.e., strength of M30 & sand filling are acceptable. The Vigilance and Enforcement verified the work and recommended Rs.3,81,795/- recovery towards deficiency in the work. The Executive Engineer, PRI Division, Parvathipuram has not recovered proposed amount so far. Hence, the charge is partially proved.

4. The Government, have examined the iquiry report and observe that "as per the findings & concluding remarks of the I.O., the alleged irregularities committed have been established. Being the next level field officer, he failed to discharge his legitimate duties as per rules. He check measured and recommended for payment for the inferior quality works executed in locations other than sanctioned one. Hence, irregularities are established and is to be construed that charge is proved", but not of 'partially proved' as held by the Inquiry Officer.

5. Accordingly, in the reference 6th read above, Government have communicated the copy of the inquiry report of the Inquiry Officer dt: 28.11.2018 together with the above disagreement factors to Sri K.S. Chalapathi Rao, Dy. Executive Engineer (PR) under Rule 21 (2) of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 with a direction to submit his representation, if any on the above disagreement factors within (15) days, , failing which it will be construed that he has no explanation to offer and necessary further action will be taken against him, based on the material available on record.

6. In the reference 7th read above, the Engineer-in-Chief, Panchayat Raj, AP, Vijayawada, among others, has furnished dated acknowledgment copy according to which the reference 6th cited, got been served on the charged officer Sri K.S. Chalapathi Rao, Deputy Executive Engineer, PR and presently working as PA to Executive Engineer, PR, Palakonda on 17.09.2020 itself. But the charged officer has not submitted his representation in the matter.

7. Government have examined the matter and observed that as the Charged Officer did not submit his representation within stipulated period of 15 days he no representation to offer and decided to proceed in the matter.

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8. Further, as per the Amendment to Article 300 of A.P. Financial Code, Volume-I made as per orders issued in G.O.Ms.NO.33, Finance (TFR.I) Department, Dt:9.2.2006, that "recovery from the Government servant for the losses by misappropriation of Government money shall be, recovery of the misappropriated amount / loss caused at bank rate as fixed by RBI + 2%.

9. Government observe that, in the instant case, the charged officer Sri K.S. Chalapathi Rao, former Dy. Executive Engineer, PRI Sub-Division, Kurupam, being the next level officer ie, check measuring officer is responsible for substandard execution and causing loss in the above two works. The Vigilance & Enforcement Department proposed the recovery of Rs. 1,85,226/- in 1st work and an amount of Rs.3,81,795/- in 2nd work, itself indicate that there was substandard execution carried out in the above two works. The 1st work was executed by charged officer Sri K.S. Chalapathi Rao, Dy.EE (PR), Sri P. Nageswara Rao, A.E (PR) and Sri B.V.V. Satyanarayana Murthy, E.E (PR) respectively. Similarly, the 2nd work was executed by the Charged Officer Sri K.S. Chalapathi Rao, Dy.EE (PR), Sri P. Muralidhar, AEE (PR) and Sri B.V.V. Satyanarayana Murthy, E.E (Retd. & later Expired) respectively. As such, the above loss of Rs. 1,85,226/- and Rs.3,81,795/-have been apportioned among the above responsible PR Engg. Personnel in the ratio of 5:3:2 (Section Officer (AEE/AE: Dy.EE: EE) and Sri K.S. Chalapathi Rao, Dy.EE (PR) will be responsible for Rs.55,568/- in 1st work and Rs.1,14,538.50 for 2nd work, totaling to Rs.1,70,106.50 in two works.

10. Accordingly, Government after careful examination of the matter, have decided and accordingly, hereby impose a penalty of stoppage of one (1) annual grade increment without cumulative effect against Sri K.S. Chalapathi Rao, former Dy. Executive Engineer, PRI Sub-Division, Kurupam and presently working as PA to Executive Engineer, PR, Palakonda under Rule 9 (iv) of A.P.C.S (CC&A) Rules, 1991, besides recovery of the above loss of Rs.1,70,106.50 along with Bank rate + 2% as per Article 300 of A.P. Financial Code Volume-I from him in lumpsum.

11. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada is directed to take necessary action and to recover the above amount accordingly from the charged officer in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer in Chief, Panchayat Raj, Andhra Pradesh,
Vijayawada.
Sri K.S. Chalapathi Rao, former Dy. Executive Engineer, PRI
Sub-Division, Kurupam and presently working as PA to
Executive Engineer, PR, Palakonda

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through Engineer in Chief, Panchayat Raj, A.P., Vijayawada.
(with a request to serve the order on the individual and furnish the dated acknowledgment copy)

Copy to:-

The Secretary to Vigilance Commission,
Andhra Pradesh Vigilance Commission, Velagapudi.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER